

Minutes  
Board of Supervisors  
Regular Meeting  
March 20, 2023

Board Members Present: Keith Weakley, Chairman At-Large  
D. Keith Guzy, Jr., District 1  
Allen Louderback, District 2  
Mark Stroupe, District 3  
Larry Foltz, District 4  
Jeff Vaughan, District 5

EDA Members Present: Missie Deibert, Chairperson, District 2  
Jackie Fox Wood, District 1  
Bart Price, District 4  
Dennis Fleming, At-Large  
Jonathan Comer, Town of Shenandoah Representative

Absent: Sara Levinson, District 3

Staff Present: Amity Moler, County Administrator  
Regina Harner, Assistant County Administrator  
Nina Fox, Director, Economic Development and Tourism  
Tracy Clatterbuck, Zoning Administrator  
Tyler Olsen, Finance Director  
Michael Helm, County Attorney  
Kimberly Donohoe, Executive Assistant

**Call to Order:**

Chairman Keith Weakley called to order the joint meeting with the Economic Development Authority on Monday, March 20, 2023, at 5:30 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA. The purpose of the joint meeting with the EDA was to hear a presentation on the Feasibility Study for a meat processing facility in Page County. The Call to Order was followed by a Moment of Silence and the *Pledge of Allegiance*.

**Clerk's Note:** Jeff Vaughan, District 5, arrived at 5:35 p.m.

**Economic Development Authority Call to Order:**

Chairperson Missie Deibert called to order the joint meeting with the Board of Supervisors on Monday, March 20, 2023, at 5:31 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA.

**Introduction of Members and Guests:**

Chairperson Deibert introduced Jeff Noland, who joined the meeting by telephone, as their consultant from Equatorial Equity Capital Partners, LLC. Also introduced were members of the EDA Agricultural Subcommittee: Jared Burner, Reyn Archer, Dennis Fleming and Bart Price, with staff support from Nina Fox and Josh Hahn.

**Approval of Agenda:**

Chairperson Missie Deibert asked for approval of the EDA agenda. The agenda was unanimously approved.

**Overview of Project:**

Nina Fox, Director, Economic Development and Tourism, presented an overview of the project. She noted that Page County was awarded an Agriculture and Forestry Industries Development (AFID) grant used to hold round table sessions and to conduct a gap analysis. The result of this study indicated needs for educational advancement, farm to fork initiatives, and various other small initiatives. The study also revealed a larger project, which was the need for a meat processing facility in the Page County area. Also, it showed the need for a committee that focused on agriculture in Page County, since agriculture is one of our major economic drivers. The EDA voted to adopt an Ag subcommittee, chaired by Dennis Fleming and Bart Price. Reyn Archer and Jared Burner also joined and helped facilitate this process.

Shortly after the Ag subcommittee was created, the feasibility study was commissioned to understand if there are enough cattle in Page County to support a meat processing facility and if so, what size of a facility.

**Condensed Presentation:**

Jeff Noland presented the main findings of the feasibility study. The study focused on capacity, where to build, what it would do and how the facility would be organized. They cooperated with producers within the county and industry stakeholders (Farm Bureau, Virginia Cattleman's Association).

He went on to discuss anticipated salaries and benefits. He expects the project will be completed in 14 to 18 months. The budget is detailed at \$8.6 million dollars with a forecasted financial return of around 30%. The financing would be a combination of loans, grants, and equity. The next step is a detailed design and development phase, budgeted at \$300,000.

Over 80% of the market share of retail meat sales is dominated by four companies. The USDA is trying to decrease that concentration. He showed a chart demonstrating the profit margins increasing for processors over the last six or seven years. The goal is to allow the producers in Page Valley to consistently share in those profit margins.

They decided to concentrate on a single-shift capacity of 100 head of cattle per week. In the study, they used data from the Farm Bureau's reference to the Virginia Foundation for Agriculture, Innovation and Rural Sustainability as well as USDA data. There are

over 450,000 head of cattle within 75 miles of the facility's anticipated location. This facility would be unique with a long hang time in the cooler, a freezer for long-term storage, humane processing, meat imaging technology, it will provide logistics to support customer sales and help producers who aren't currently selling directly to consumers to develop a web presence.

Mr. Noland discussed competitive facilities in the area. He noted that they had limitations due to operating older facilities, a different business model, or are too small. We expect competition, but we are in a good position.

He noted that staffing is an important issue and that in the long run we would want to collaborate with the local technical center and community college to intentionally train people.

Mr. Noland then reviewed the budget on the *Project Budget* slide and noted that the first \$300,000 is focused on engineering and design, permitting, getting organized properly, and on legal activities associated with establishing the business. The construction budget is based on the budget of a similar facility that has just been rebuilt. We are working with very realistic numbers.

On the *Forecast of Operating Results* slide, Mr. Noland noted that the numbers were derived from the operating results of a comparative facility. The forecasted revenue does not include what is expected to be a significant amount of revenue made from further processing. He stressed that the numbers are based off actual results from other similar facilities; he is very confident in the numbers.

Mr. Noland then discussed the Phase II project. He noted that one of the top priorities was to determine the best business structure in terms of ownership, participation of producers, to develop a strong agreement to purchase real estate and then to establish agreements with producers so we have a known number of livestock coming in.

The choice is to either start with an existing facility design or have a new design, we will most likely work with a local engineering firm to design the facility, to do civil engineering work, and to work particularly on water and wastewater utilities. We need to obtain construction and operating permits, we have to have agreements for the offtake of wastewater and other inedible material, these things will have to be developed before we move forward with construction.

Mr. Noland then discussed refining their financial documents into a formal investor presentation and then raising the capital needed to complete the project, to actively pursue grants and other financing assistance.

Mr. Noland then asked if anyone had questions.

Supervisor Guzy asked if the facility is private or public and who are the owners. Mr. Dennis Fleming explained that the idea is to establish a public/private partnership. The

producers have the first choice of being investors, then other county citizens, and then beyond the county. Mr. Fleming noted that the public/private relationship allows more access to grants.

Supervisor Guzy asked who would run the facility. Ms. Fox explained that the legal structure would be explored in Phase II.

Supervisor Guzy asked about the EDA's long-term role. Mr. Fleming referred to Phase II where the structure would be established. Supervisor Guzy asked if the EDA would be a part of the board or would run the facility. Mr. Fleming responded that the EDA would not run the facility.

Supervisor Guzy discussed the current process of selling cattle in Page County and asked how this facility is going to change the price. Mr. Jared Burner noted that the current process is now the problem, in that there is only one buyer. Mr. Reyn Archer explained that the business model will be different. Most facilities are just slaughterhouses and then the farmer has to market their own cattle. This facility will store and market and start selling directly to grocery stores, restaurants, and consumers. Because the cattle are sent elsewhere, we are not getting the full value of what we produce here. The idea is to build our genetics, build our feeding, and build the mechanism so that every farmer in the county can participate.

Supervisor Guzy brought up distribution, he asked how the facility will operate year-round due to the cattle production in Page County being seasonal, and how will local producers get the premium price. Mr. Burner talked about how the meat-imaging technology will reward producers that put the value into their genetics and by us controlling the processing cost, it allows us to pay more. The facility would serve the region, allowing for year-round processing.

Supervisor Guzy asked how a new farmer would be able to send his cattle to the facility if established farmers have contracts. Mr. Burner stated that the farmer would have to meet the criteria they set for the program. Supervisor Guzy brought up the issue of those having contracts with big producers in Augusta or in Rockingham in order to maintain the year-round operation.

Supervisor Guzy expressed concern that every citizen has an opportunity, since this is a public/private enterprise. Nina Fox explained that the public/private partnership, at this stage, is not fully determined and the public investment is low and will be paid back. Mr. Fleming reminded everyone that the public side allows access to grants.

Mr. Bart Price noted that there were lots of questions at this point.

Supervisor Allen Louderback remarked that we were not going to be at the 100-head capacity initially and that the facility would allow for the finishing of cattle in Page County.

Supervisor Guzy asked about the \$300,000 request and if the EDA were going to contribute. Ms. Deibert responded that the \$300,000 was Page County's investment in the project. Beyond that, the EDA may be able to help facilitate loans or grants.

After some discussion, Ms. Fox noted that the request was mainly due to speed to market, other localities are looking into meat processing facilities. This is an opportunity for job creation in Page County, it meets our economic drivers, which is agriculture and also ties in tourism. It is a perfect fit for our community and a great opportunity to invest and show our willingness to support the agriculture community. Supervisor Louderback noted the opportunity to market Page County.

Supervisor Larry Foltz asked about those farmers that sell their cattle at a stock sale, would the facility buy them and then sell the meat? Mr. Burner discussed a process where initially there would be a terms payment because there would not be the cash to pay up front. But, after the facility was established, then they would be able to pay up front. In Virginia, you have 30 days to pay for cattle.

Supervisor Foltz asked if there would be outlets to buy the meat, or would the facility just do processing. Mr. Burner noted that there were outlets throughout the valley and the state. It will take time to grow the market.

Supervisor Guzy noted that the private sales were great. His concern is with distribution and where the beef would sell. Mr. Archer said that this would encourage farmers to do better.

**Framework for Phase II:**

After discussion, the EDA agreed to present the feasibility study and the Phase II plan in a Town Hall meeting. The EDA also agreed to email monthly updates to the board members.

**Motion:**

Supervisor Foltz moved to approve the allocation of \$300,000 for Phase II, design and development, of the proposed meat processing facility. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Weakley, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

**EDA Adjourn:** 6:47 p.m.

With no further business to discuss, Chairperson Deibert adjourned the joint meeting.

**Board of Supervisors Recess:** The Board took a brief recess at 6:47 p.m.

**Reconvene:** Chairman Weakley reconvened the regular meeting at 7:00 p.m.

**Adoption of Agenda:** No motion or vote was taken.

**Public Hearings**

**Rezoning Request – Rebecca Graves Hudson:**

The public hearing on the rezoning request was advertised as follows:

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NOTICE OF PUBLIC HEARING  
PAGE COUNTY BOARD OF SUPERVISORS  
REZONING REQUEST

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended that the PAGE COUNTY BOARD OF SUPERVISORS shall hold a public hearing at 7:00 p.m. on Monday, March 20, 2023, in the Board of Supervisors Meeting Room, located in the County Government Center, 103 South Court Street, 2<sup>nd</sup> Floor, Luray, VA, to receive public comments and to consider the following request:

Rebecca Graves Hudson has filed an application to rezone the following parcels:

- Tract 1: Tax Map Number 72-(9)-1, located at 852 Middleburg Road, Luray, VA, and currently containing 11.642 acres;
- Tract 2: Tax Map Number 62-(A)-51D, located off Middleburg Road, Luray, VA, and currently containing 3.091 acres. *Boundary lines will be adjusted accordingly post rezoning which will include portions of Tax Map Number 72-(A)-2G (0.824 acres and 0.808 acres) totaling 4.723 acres for Tax Map Number 62-(A)-51D;*
- Tract 3: Tax Map Number 72-(A)-2G (4.399 portion), located off Timber View Drive, Stanley, VA, and currently containing 122.297 total acres. *Division of land post rezoning to include a portion of 4.399 acres will be submitted accordingly;*
- Tract 4: Tax Map Number 72-(A)-2I, located off Goodrich Road, Stanley, VA, and currently containing 31.614 acres and 0.634 acres (right-of-way) for a total acreage of 32.248 acres more or less; and
- Tract 5: Tax Map Number 72-(8)-7, located off Goodrich Road, Stanley, VA, and currently containing 3.00 acres.

All of the above listed parcels are currently zoned as Industrial (I-1). The applicant is requesting that the parcels and acreage as detailed above and shown on plats provided in application packet, be rezoned to Agriculture (A-1) for a total of 56.012 acres. If approved, the parcels will be used for agricultural purposes. The density range in the surrounding area is medium.

Copies of the request, the Page County Zoning Ordinance, and the Page County Comprehensive Plan may be reviewed in the Planning & Community Development Office, 103 South Court Street, Suite B, Luray, VA, 8 a.m. to 5 p.m., Monday through Friday. They may also be reviewed on the County's website at [www.pagecounty.virginia.gov](http://www.pagecounty.virginia.gov). NOTE: Hearing impaired individuals who need an interpreter must notify the office at least seven (7) days prior to the hearing.

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Chairman Weakley opened the public hearing on the rezoning request at 7:00 p.m.

Tracy Clatterbuck, Zoning Administrator, said that Rebecca Graves Hudson has filed an application to rezone the following parcels:

- Tract 1: Tax Map Number 72-(9)-1, located at 852 Middleburg Road, Luray, VA, and currently containing 11.642 acres;
- Tract 2: Tax Map Number 62-(A)-51D, located off Middleburg Road, Luray, VA, and currently containing 3.091 acres. *Boundary lines will be adjusted accordingly post rezoning which will include portions of Tax Map Number 72-(A)-2G (0.824 acres and 0.808 acres) totaling 4.723 acres for Tax Map Number 62-(A)-51D;*
- Tract 3: Tax Map Number 72-(A)-2G, located off Timber View Drive, Stanley, VA, and currently containing 122.297 acres. *Division of land post rezoning to include a portion of 4.399 acres will be submitted accordingly;*
- Tract 4: Tax Map Number 72-(A)-2I, located off Goodrich Road, Stanley, VA, and currently containing 31.614 acres and 0.634 acres (right-of-way) for a total acreage of 32.248 acres more or less; and
- Tract 5: Tax Map Number 72-(8)-7, located off Goodrich Road, Stanley, VA, and currently containing 3.00 acres.

The applicant is proposing to rezone the industrial parcels to agricultural. One of the questions received from the public inquiry pertains to tract 72-A-2G, please note that only 4.399 acres of the over 122-acre tract is included in the rezoning request, everything else would remain zoned as industrial. There would be a few boundary line adjustments. VDOT had no objections to the request. The Health Department had no objections to the request. The building official had no objections to the request. The Planning Commission held their public hearing on January 24, 2023, and there were no objections received from landowners.

Public Comments on the Public Hearing:

Mr. Robert Janney, attorney for the applicant, commented that the land was sold to the EDA in 2009 and rezoned to industrial, but the market never developed. There has been no interest in developing the land, so it has been farmed since 2009. The applicant wants to restore the land to its natural and continued use. The property is currently under contract. The Planning Commission had a 5-0 vote in favor of the request. The Town of Stanley submitted a letter stating that they do not consider the property to be in the future use of the urban services area and there is no town water or sewer. This fits all the zoning principles; the surrounding usage is agricultural. Mr. Janney offered to answer any questions from the Board.

Supervisor Guzy asked why not rezone it all to agricultural? Mr. Janney answered, to keep our options open.

Chairman Weakley closed the public hearing at 7:11 p.m.

**Motion:** Supervisor Vaughan moved that the Page County Board of Supervisors approve the rezoning request for tax map numbers 72-(9)-1, 62-(A)-51D, 72-(A)-2G, 72-

(A)-2I, and 72-(8)-7 from Industrial (I-1) to Agriculture (A-1). Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Weakley. Nay: None.

**Public Hearings**

**Zoning Ordinance Amendments (Guesthouse, Supplemental Regulations, Storage Buildings, Confined Feeding Operations):** **Exhibit A**

The public hearing on the zoning ordinance amendments was advertised as follows:

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NOTICE OF PUBLIC HEARING  
PAGE COUNTY BOARD OF SUPERVISORS  
ZONING ORDINANCE AMENDMENTS

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended that the PAGE COUNTY BOARD OF SUPERVISORS shall hold a public hearing at 7:00 p.m. on Monday, March 20, 2023, in the Board of Supervisors Meeting Room, located in the County Government Building, 103 South Court Street, 2<sup>nd</sup> Floor, Luray, VA, to receive public comments and to consider the following amendments:

- In Chapter 125 (*Zoning Ordinance*), Article II (*Word Usage and Definitions*), Section 125-4 (*Definitions*):
  - Amend the current definition of “Guesthouse,” and
  - Strike the current definition of “Confined Feeding Operation”.
- In Chapter 125 (*Zoning Ordinance*), Article IV (*District Regulations*), Section 125-11 (*Residential*):
  - Amend Section 125-11.C(5) by changing “Guest house” to “Guesthouse”.
- In Chapter 125 (*Zoning Ordinance*), Article V (*Supplementary Regulations*), Section 125-14 (*Additional regulations for all districts*):
  - Strike Section 125-14.C.
- In Chapter 125 (*Zoning Ordinance*), Article V (*Supplementary Regulations*), Section 125-30 (*Storage buildings*):
  - Strike Section 125-30.
- Multiple amendments throughout Chapter 125 (*Zoning Ordinance*), Article VI (*Confined Feeding Operations*), to include Section 125-32, Section 125-33, Section 125-34, Section 125-36, Section 125-37, Section 125-38, Section 125-39, Section 125-40, Section 125-41 and Section 125-42.

The full text of the proposed amendments to the zoning ordinance may be reviewed in the Planning & Community Development Office, 103 South Court Street, Suite B, Luray, VA, 8 a.m. to 5 p.m., Monday through Friday. They may also be reviewed on the County’s website at [www.pagecounty.virginia.gov](http://www.pagecounty.virginia.gov). NOTE: Hearing impaired individuals who need an interpreter must notify the Zoning Office at least seven (7) days prior to the hearing.

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Chairman Weakley opened the public hearing on the zoning ordinance amendments at 7:12 p.m.

*Guesthouse:*

Tracy Clatterbuck, Zoning Administrator, noted that the current ordinance limits the definition of guesthouse, basing it on the number of bedrooms. And you are currently not permitted to rent out your guesthouse separately from your main house. The change would allow people to rent out, but not sell, their guesthouse separately from the main house.

The Planning Commission also recommends that the ordinance is amended to remove the wording regulating the size of the house.

Proposed wording of Guesthouse definition in Chapter 125 (*Zoning Ordinance*), Article II (*Word Usage and Definitions*), Section 125-4 (*Definitions*):

*Guesthouse: An accessory, detached building designed exclusively for residential purposes situated on the same parcel as a permitted single-family dwelling that is no larger than 75% of the total square footage of the permitted principal dwelling, not to exceed 1,500 square feet total in area. Only one guesthouse shall be allowed on any lot, tract or parcel of land, and cannot be sold separate from the permitted principal residential structure.*

The second part of the guesthouse amendment request is a correction in the spelling of *guest house* to *guesthouse*.

*Supplemental Regulations:*

Tracy Clatterbuck, Zoning Administrator, explained this was a correction. The amendment request is to strike Section 125-14.C.

*Storage Buildings:*

Strike Section 125-30.

*Confined Feeding Operations:*

Tracy Clatterbuck, Zoning Administrator, explained that in the last year she has had farmers question why our confined feeding setbacks so much more compared to other localities. The Planning Commission fully supported the changes and there were no objections from the public.

Reduce setbacks from:

- 600 to 300 feet from a structure
- 300 to 150 feet from a neighboring property
- Not within 50 feet of their well

The last update was in 1994, so there are other various updates and changes.

Public Comments on the Public Hearing.

There were no speakers during the public hearing.

Chairman Weakley closed the public hearing at 7:19 p.m.

**Motion:** Supervisor Foltz moved to approve the Zoning Ordinance amendments, as presented. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Louderback, Stroupe, Foltz, Vaughan, Weakley, Guzy. Nay: None.

Public Hearings

Ordinance Amendment (Chapter 105 Taxation – TOT):

**Exhibit B**

The public hearing on the zoning ordinance amendments was advertised as follows:

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NOTICE OF PUBLIC HEARING  
BOARD OF SUPERVISORS  
COUNTY OF PAGE, VIRGINIA  
AN ORDINANCE TO AMEND CHAPTER 105 (TAXATION)  
TO THE PAGE COUNTY CODE

PLEASE TAKE NOTICE: That the Board of Supervisors of the County of Page, Virginia shall hold a public hearing on March 20, 2023, at 7:00 p.m. in the Board Room of the County Government Center, 103 South Court Street, 2<sup>nd</sup> Floor, Luray, Virginia 22835, for the purpose of a public hearing on the proposed ordinance to amend Chapter 105 (Taxation), Article V (Transient Occupancy Tax) to the Page County Code.

The full text of the proposed amendment to the Ordinance may be reviewed and inspected at the office of the County Administrator, 103 South Court Street, Suite F, Luray, Virginia 22835.

The public is invited to attend this public hearing to express their views thereon.

The Notice is given pursuant to § 15.2-1427 of the Code of Virginia (1950), as amended.

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Chairman Weakley opened the public hearing on the Chapter 105 Taxation – TOT ordinance amendment at 7:21 p.m.

Michael Helm, County Attorney, recommended that the current Code of the County of Page, Virginia, Chapter 105 Taxation, Article V Transient Occupancy Tax, § 105-16 provisions are removed and supplemented with the new definitions and provisions. The Commissioner of Revenue is in agreement with this amendment. These changes will help to clarify the collection of the transient occupancy tax.

Public Comments on the Public Hearing.

There were no speakers during the public hearing.

Chairman Weakley closed the public hearing at 7:22 p.m.

**Motion:** Supervisor Guzy moved to approve the ordinance amendment to a portion of Chapter 105 Taxation, Article V Transient Occupancy Tax, of the Code of the County of Page, Virginia. Supervisor Louderback seconded and the motion carried by a vote of 6-0. Aye: Stroupe, Foltz, Vaughn, Weakley, Guzy, Louderback. Nay: none.

**Presentations, Proclamations and Awards**

**FY2023 – 2024 Budget Presentation:**

Mrs. Moler presented the proposed budget for fiscal year July 1, 2023 – June 30, 2024. She noted that these are preliminary numbers as the state has not finalized their budget. The same guidelines are sent to all the departments every year to try and provide a budget without service increases, if possible. If they have program expansions, we ask how they plan to fund those, and we encourage the departments to use grants or increase revenue. Mrs. Moler explained that she and the Finance Director go line by line through every department request with the department head. The Capital Improvement expenditures are selected by importance, or if they are mandated.

There is a projected increase in real estate tax revenue of \$221,369 due to new construction. There were 169 new residences constructed in calendar year 2022. Mrs. Moler stressed that they are being very realistic with current revenue estimates.

Personnel changes in the new budget include the reworking of the Office Aide position to part-time and filling the Executive Assistant position. There was a net increase, which was offset by a reduction in the HR budget and a part-time office aide position was created. For the Planner position, in order to save, we are sharing the GIS Coordinator position with the Northern Shenandoah Valley Regional Commission. They will be here three days a week and shared with two towns in Shenandoah County the rest of the week.

Mrs. Moler explained that the Board will have to decide if the positions that are currently funded with ARPA funds will be added to the budget. Included are the three Stanley EMS positions, two drug interdiction team positions for the Sheriff's Office, and one landfill position shared with Facilities. The COPS hiring grant funded three deputies, these positions are required to be funded for a year after the grant ends.

Mrs. Moler described the strategies used to balance the budget, one of which is implementing a disposable plastic bag tax. She went on to present the total Capital Improvement Project (CIP) budget, which includes IT and computer upgrades, voting tabulators, an ambulance, three vehicles, county and courthouse parking lot repairs, a dozer, a roll-off truck, and landfill well upgrades and DEQ fees. Mrs. Moler then reviewed the proposed school budget.

Tax rates were reviewed, and Mrs. Moler noted that personal property tax has not been raised since calendar year (CY) 2020 and has been reduced by 24 cents since CY2018.

Mrs. Moler then looked at the General Fund Balance and observed that unless we bring in additional revenue, the estimated remaining fund balance at the end of FY2025 will be \$11,324,515. Lastly, she reviewed the budget schedule with the public hearing scheduled for April 17<sup>th</sup> and adoption on May 1<sup>st</sup>.

**Public Comments on Agenda Items:**

There were no speakers during the Public Comments on Agenda Items.

**Action Matters**

**Budget Changes:**

Mr. Olsen requested a budget appropriation of federal funds in the amount of \$1,303 and local funds in the amount of \$122,000.

Mr. Olsen noted that the Sheriff's Office received a Local Law Enforcement (LOLE) Grant in the amount of \$1,303. He requests these federal funds to be appropriated for the purchase of a mount and a docking station for their mobile data terminals. There is no local match. Mr. Olsen explained that the Economic Development and Tourism Office request to allocate \$122,000 of the unappropriated transient occupancy tax revenue. \$13,000 will pay for local tourism data and statistics provided by AirDNA. \$75,000 will be split equally among the Towns of Luray, Stanley, and Shenandoah for their own tourism-related projects. \$29,000 will be contributed to local organizations, such as the Page Valley Fair (\$12,000), Racine MultiSports' Swim Fest and Half Marathon (\$7,000), and Rip It Events' Triathlon (\$10,000). The remaining \$5,000 will pay for various expenses related to the recent website launch party.

**Motion:** Supervisor Vaughan moved to approve revenue from the federal government in the amount of \$1,303 and local funds in the amount of \$47,000 and expenditures to the General Fund in the amount of \$1,303 and Tourism Fund in the amount of \$47,000. The \$75,000 designated for the Towns of Luray, Stanley, and Shenandoah for their individual tourism-related projects (TOT) was not included in the motion. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Foltz, Vaughan, Weakley, Guzy, Louderback, Stroupe. Nay: none.

**SVEC Utility Services Easement:**

Mrs. Moler explained the Shenandoah Valley Electric Cooperative has requested a utility easement for a dead end pole on the property at the Animal Shelter. This will supply power for the well pump for the Town of Stanley.

**Motion:** Supervisor Vaughan moved to approve the SVEC Utility Services Easement. Supervisor Stroupe seconded and the motion carried by a vote of 6-0. Aye: Vaughan, Weakley, Guzy, Louderback, Stroupe, Foltz. Nay: None.

**Board & Commission Appointments:**

Mrs. Harner reviewed the Board and Commission appointments as follows:

**Laurel Ridge Community College Board:**

A vacancy exists on the College Board, and they request the appointment of an individual to complete the term, ending June 30, 2024. This is held over for the next regular Board of Supervisors meeting.

**Economic Development Authority:**

Vacancies exist for the Town of Luray and the Town of Stanley representatives. The Luray Town Council nominated Leslie Currle for the four-year term, expiring January 31, 2027. The Stanley Town Council nominated Tom Wright for the remainder of the current term, expiring January 31, 2026.

**Motion:** Supervisor Vaughan moved to appoint to the EDA, Leslie Currle as the Town of Luray representative, term to expire January 31, 2027, and Tom Wright as the Town of Stanley representative, term to expire January 31, 2026. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Weakley, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: none.

**Northwestern Community Services Board:**

A vacancy exists on the Board. An individual will need to be appointed to serve a three-year term from January 1, 2023, through December 31, 2025. The NWSCB meetings are held on the third Wednesday of each month at 6:30 p.m., at their offices in Front Royal. Appointment was held over until April.

**Social Services Board:**

A vacancy exists on the Social Services Board for the District 5 seat. An appointment is needed to fill a term that will expire June 30, 2026. The Board meets on the third Tuesday of every other month at the Department of Social Services, in Stanley. Appointment was held over until April.

There was discussion on the need to stagger the Tourism Council terms.

**Consent Agenda:**

**Motion:** Supervisor Guzy moved to approve the Consent Agenda as follows:

- Financial reports for the period of February 1-28, 2023;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,667,913.39 for the month of February 2023;
- Minutes of February 6, 2023, and February 16, 2023, and February 21, 2023;
- One coyote claim totaling \$50.

Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Weakley. Nay: None.

**Old Business:**

No Old Business to discuss.

**New Business:**

No New Business to discuss.

**Open Public Comments:**

Jackie Sullivan Smoot from Healthy Families handed out blue pinwheels and explained that all of the blue pinwheels we are going to see in April are to raise awareness of child abuse. April is National Child Abuse Prevention Month and she reminded everyone that we are required to report cases of suspected child abuse and neglect. She remarked that Page County is fortunate to have Healthy Families working in the area and part of their focus is supporting pregnant women and new parents.

**Administrator's Report:**

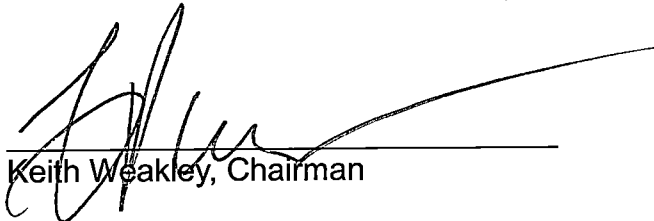

Mrs. Moler introduced Kimberly Donohoe, the new Executive Assistant to Administration and Human Resources.

**Supervisors Time:**

All of the Board members thanked everyone for attending the meeting and being part of the process.

**Adjourn:** 8:21 p.m.

With no further business to discuss, Chairman Weakley adjourned the meeting.

  
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Keith Weakley, Chairman  
\_\_\_\_\_  
Amity Moler, County Administrator

**ORDINANCE TO AMEND A PORTION OF CHAPTER 125 (ZONING)  
OF THE PAGE COUNTY, VIRGINIA CODE**

**WHEREAS**, by Ordinance duly adopted, the Board of Supervisors of the County of Page adopted Chapter 125, Zoning, of the Page County Code, which Chapter has been further amended from time to time; and

**WHEREAS**, such Ordinance is in full force and effect on the date hereof; and

**WHEREAS**, upon mature consideration, the Board of Supervisors has determined it is in the best interest of the County to further amend the ordinance.

**NOW THEREFORE**, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 125 (Zoning) be amended as follows:

- 1. Chapter 125, Article II, Section 4, Definitions, "Confined Feeding Operation" shall be removed.**
- 2. Chapter 125, Article VI, Section 32, Definitions, shall be Amended as follows:**

**CONFINED POULTRY FEEDING OPERATION**

For the purpose of this article, "confined poultry feeding operation" means any confined animal feeding operation with 200 or more animal units of poultry.

- 3. Chapter 125, Article VI, Section 33, Distances from property lines, structures, roads and water protection, shall be Amended as follows:**

**§ 125-33 Distances from property lines, structures, roads and water protection.**

- A.** Every confined feeding operation begun after the enactment of this section shall be located no closer than 300 feet from any structure designed to be occupied as a residence, excluding any residence owned by the applicant desiring a permit to establish a confined feeding operation. Every confined feeding operation begun after the enactment of this section shall be located no closer than 600 feet from any residential zoning district, school, church, community center or commercial business establishment or industry or any other structure designed for public occupancy. Every confined feeding operation begun after the enactment of this section shall be located no closer than 1,000 feet from any boundary of a town within the County.
- B.** Any such operation shall be located no closer than 150 feet from any neighboring property line.
- C.** Every such confined feeding operation shall be located no closer than 200 feet from any primary highway or roadway and 100 feet from any secondary highway, roadway or other right-of-way for passage.
- D.** In order to protect surface and ground water, no such operation shall be located within 300 feet of any recreational pond or lake or within 100 feet of any river, creek, spring, reservoir or public water supply system, including but not limited to wells or cisterns. No such operation shall be located within 50 feet of any private water supply system, including but not limited to wells or cisterns.

- 4. Chapter 125, Article VI, Section 34, Acreage, shall be Amended as follows:**

**§ 125-34 Acreage.**

Any person, firm, corporation, partnership or other business entity applying for a permit to establish a confined feeding operation, as defined in this article, shall not be issued a permit unless the poultry house or accessory use or structure shall be built on a parcel or adjoining and contiguous parcels of land of 10 acres or more, and such parcel or parcels are owned solely by the applicant(s). This section shall not be applicable if the applicant owns and operates a confined feeding operation(s) on the subject parcel or parcels at the time of submitting the application. In addition thereto, the applicant shall meet all other requirements of this article.

**5. Chapter 125, Article VI, Sections 36 through 39 are hereby Repealed and the remaining provisions shall be re-numbered and Amended as follows.**

**§ 125-36 Permit.**

- A. It shall be unlawful for any person, firm, corporation, partnership or other business entity to establish a confined feeding operation subsequent to the enactment of this article unless such person first obtains a permit as required by the provisions of this article.
- B. How obtained. A zoning permit to establish and operate a confined feeding operation shall be obtained by making written application to the Page County Zoning Administrator by furnishing evidence of compliance with the terms of this article.
- C. Fees. See Page County Land Use Fee Schedule.

**§ 125-37 Violations and penalties.**

Failure to obtain a permit or to otherwise comply with the requirements of this article shall be subject to the penalties and provisions as set forth in § 125-63 through § 125-63.4. Each day of operation after notification of noncompliance shall constitute a new and separate violation.

**§ 125-38 Waste Storage and Disposal**

All waste storage and disposal shall comply with all federal, state, and local laws.

**6. Except as amended or repealed above, Chapter 125, Zoning, remains in full force and effect.**

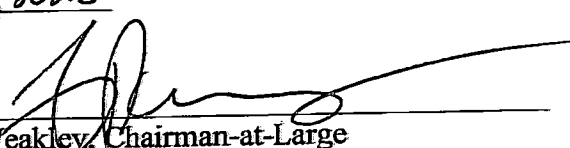
This Ordinance shall be in full force and effect from and after the passage hereof as provided by Virginia law.

Dates of Publication:

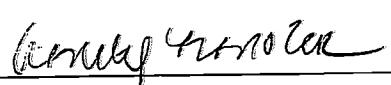
March 2, 2023  
March 9, 2023

Date of Adoption of Ordinance:

March 20, 2023

  
Keith Weakley, Chairman-at-Large  
Board of Supervisors of the County of Page, Virginia

Attest:

  
Amity N. Moler, Clerk



**ORDINANCE TO AMEND A PORTION OF CHAPTER 125 (ZONING)  
OF THE PAGE COUNTY, VIRGINIA CODE**

**WHEREAS**, by Ordinance duly adopted, the Board of Supervisors of the County of Page adopted Chapter 125, Zoning, of the Page County Code, which Chapter has been amended from time to time; and

**WHEREAS**, such Ordinance is in full force and effect on the date hereof; and

**WHEREAS**, upon mature consideration, the Board of Supervisors of the County of Page has determined that it is in the best interest of the County to further amend the Chapter.

**NOW THEREFORE**, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 125 ("Zoning") be amended as follows:

1. **§ 125-4. The following definition set forth in Article II shall be Amended as follows:**

**GUESTHOUSE**

An accessory, detached building, designed exclusively for residential purposes situated on the same parcel as a permitted single-family dwelling. Only one guesthouse shall be allowed on any lot, tract or parcel of land, and cannot be sold separate from the permitted principal residential structure.

2. **Chapter 125, Article IV, "District Regulations", Section 11, "Residential", shall be amended by changing the spelling of Guesthouse, as set forth in sub-part 125-11(C)(5), as follows:**

**§ 125-11 Residential (R).**

- C. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

- (1) Private garage or private parking areas.
- (2) Signs pursuant to § 125-20.
- (3) Home occupations pursuant to § 125-15.
- (4) Customary accessory uses and buildings, provided that they are clearly incidental to the principal use pursuant to § 125-16.
- (5) Guesthouse, as defined in § 125-4.
- (6) Family day home (less than six unrelated children).

3. **Chapter 125, Article V, "Supplementary Regulations", shall be amended by repealing the existing sub-part C and re-numbering the remaining provisions, as follows:**

**§ 125-14 Additional regulations for all districts.**

- A. Visibility at intersections. On a corner lot, nothing shall be erected (except street signs, utility poles or traffic signs), placed, planted or allowed to grow in such manner as to impede vision between a height of 2 1/2 and 10 feet above the center-line grades of the intersecting streets in the area bounded by the street center lines of such intersecting streets and a line joining the street center lines at a distance of 75 feet from the point of intersection. This subsection also applies to signs.
- B. Sight line easements shall be provided on all corner lots to meet the intersection sight distance established by VDOT in the most current edition of the Minimum Standards of Entrances to State Highways and/or any other applicable VDOT standard or specification for the posted and/or operating speed of the roadway. [Added 6-21-2005]
- C. Exceptions to height regulations. The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, silos, feed mills, barns, antennas, water tanks, ventilators, chimneys, structures required for electric and telephone facilities or other similar appurtenances.
- D. Buildings to have access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to a private street approved by the governing body, and all buildings shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- E. Lots in two districts. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion, provided that the lot has frontage on a street in the less restricted district.
- F. Lot area and lot width for lots not served with public water and/or sanitary sewers. Where a lot is not served by a public water supply and/or sanitary sewerage system and Chapter 100, Subdivision of Land, state statute or other local statute or ordinance in force or the Health Official requires a higher standard for lot areas or lot width than this chapter, the more restrictive regulations shall apply.
- G. Front yard exceptions. When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the zoning district, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two adjoining lots provided; however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this chapter. For the purpose of this subsection, an "unimproved lot" shall be the same as a vacant lot and an "improved lot" shall be one on which a principal building is erected. In no case shall a front yard be reduced by more than 50% of the required front yard for that district.
- H. Projections into yards. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage:
  - (1) Terraces, patios or unenclosed porches may project no more than five feet into any yard setback. [Amended 8-17-2010]
  - (2) Open balconies or fire escapes, provided that such balconies or fire escapes are not

supported on the ground and do not project more than five feet into any yard nor closer than three feet to any adjacent lot line.

- (3) Aboveground swimming pools may project no more than five feet into any yard setback. [Added 7-17-2018]

4. Chapter 125, Article V, "Supplementary Regulations" shall be further amended by repealing the existing §125-30 "Storage Buildings". Section 125-30 shall become "Reserved".

5. Except as amended or repealed above, Chapter 125, Zoning, remains in full force and effect.

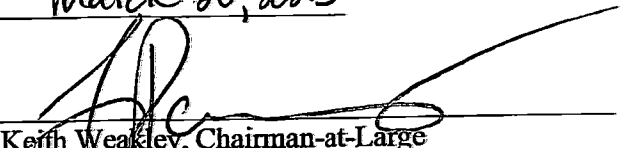
This Ordinance shall be in full force and effect from and after the passage hereof as provided by Virginia law.

Dates of Publication:

March 2, 2023  
March 9, 2023

Date of Adoption of Ordinance:

March 20, 2023

  
Keith Weakley, Chairman-at-Large  
Board of Supervisors of the County of Page, Virginia

Attest:

Amy Henson

Amity N. Moler, Clerk

**ORDINANCE TO AMEND A PORTION OF CHAPTER 105 (TAXATION)  
OF THE PAGE COUNTY, VIRGINIA CODE**

**WHEREAS**, by Ordinance duly adopted, the Board of Supervisors of the County of Page adopted Chapter 105, Taxation, of the Page County Code, which Chapter has been amended from time to time; and

**WHEREAS**, such Ordinance is in full force and effect on the date hereof; and

**WHEREAS**, upon mature consideration, the Board of Supervisors of the County of Page has determined that it is in the best interest of the County to further amend the Chapter.

**NOW THEREFORE**, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 105 ("Taxation"), Article V ("Transient Occupancy Tax") be amended as follows:

**Article V. Transient Occupancy Tax**

**§105-16 Definitions.**

The following words and phrases when used in this Article, for the purposes of this Article, have the meanings respectively ascribe to them in this Section, except in those instances where the context clearly indicates a different meaning:

*Accommodations* means any room or rooms, lodgings, accommodations, or space at a Lodging Facility for which tax is imposed on the retail sale of the same pursuant to this Article.

*Accommodations fee* means the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than \$0.

*Accommodations intermediary* means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider.

*Accommodations intermediary* does not include a person:

- (1) If the accommodations are provided by an accommodation provider operating under a trademark, trade name, or service mark belong to that person;
- (2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only

compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodation provider to such person; or

- (3) Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 *et seq.*) of Chapter 21 of Title 54.1 of the Virginia Code, when acting within the scope of such license.

*Accommodations provider* means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

*County* means the County of Page, Virginia.

*"Commissioner of the Revenue"* shall mean the Commissioner of the Revenue of the County of Page, Virginia, or any duly authorized deputies or agents.

*Director* means Director of the local Department of Tax Administration or any of the duly authorized deputies or agents of the Director.

*Discount room charge* means the full amount charge by the accommodation provider to the accommodation intermediary, or an affiliate thereof, for furnishing the accommodations.

*Lodging Facility* means any public or private hotel, inn, apartment hotel, hostelry, tourist camp, tourist cabin, tourist home or house, camping grounds, club, motel, rooming house, any place that offers Short-Term Lodging, or other place within the County offering accommodations for one or more persons at any one time, and the owner and operator thereof, who, for compensation, furnishes accommodations to any transients as hereinafter defined.

*Person* means individuals, firms, partnerships, associations, corporations, persons acting in representative capacity and combinations of individuals of whatever form and character.

*Room charge* means the total charge made to, or total price paid by or for, a transient in a retail sale for the use or possession of accommodations at any such Lodging Facility before taxes. "Room charge" includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.

*Retail Sale* means a sale to any person for any purpose other than for resale.

*Transient* means any person who for any period of less than thirty (30) consecutive days either at his own expense or at the expense of another, obtains accommodations in any Lodging Facility as hereinabove defined, for which a charge is made.

#### **§105-17 Administration, Collection and Enforcement**

##### **A. Levy; Amount of Tax.**

Pursuant to Virginia Code § 58.1-3819, in addition to all other taxes, there is hereby imposed and levied a tax equivalent to five percent (5%) of the total room charge paid by

or for any such transient for the use or possession of accommodations; provided however, that the tax imposed by this subsection will not be imposed on any transient occupancy in any Lodging Facility that is located within any town that has imposed a tax on transient occupancy.

**B. Exemptions.**

No tax is payable hereunder on the total room charge paid for accommodations to any hospital, medical clinic, convalescent home, or home for the aged.

**C. Collection of Tax**

- (1) For any retail sale of accommodations facilitated by an accommodation intermediary, the accommodations intermediary will be deemed a facility making a retail sale of an accommodation. The accommodations intermediary must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.
- (2) For any retail sale of accommodations not facilitated by an accommodation intermediary, the accommodations provider must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.

**D. Report and remittance of tax.**

- (1) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary must remit the tax imposed pursuant to this Article to the Commissioner.
- (2) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must remit the tax imposed pursuant to this Article to the Commissioner.
- (3) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this Article prohibits such parties from making an agreement regarding which party will be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the Commissioner for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax will be the sole party liable for the tax, and the other parties to such agreement will not be liable for such tax.

- (4) The person collecting any such tax required pursuant to this Article must make out a report on such forms and setting forth such information as the Commissioner may prescribe and require, showing the amount of total room charges collected, and the tax required to be collected, and must sign and deliver the same to the Commissioner with a remittance of such tax.
- (5) Such reports and remittances must be made monthly on or before the 20<sup>th</sup> day of the month and covering the amount of tax collected during the preceding month. If the remittance is by check or money order; it must be payable to the County and all remittances received hereunder by the Commissioner must be promptly delivered to the Treasurer.
- (6) Each accommodations intermediary must submit to the Commissioner the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in Page County on a monthly basis.

**E. Interest and penalties upon failure or refusal to remit tax.**

If any accommodations provider or accommodations intermediary fails or refuses to remit to the Commissioner, the tax required to be collected and paid under this Article within the time and the amount specified in this Article, the Commissioner will add a penalty of ten percent (10%) or ten dollars (\$10.00), whichever is greater, and if the tax remains delinquent and unpaid for a period of one month from the date the same is due and payable, interest will be charged on the unpaid balance at the applicable interest rate. Such interest will accrue from the date on which the tax was due and payable.

**F. When the Commissioner to determine the amount of tax due.**

If any person required to collect and remit the tax imposed by this Article fails to file a statement and a remittance, or if the Commissioner has reasonable cause to believe that an erroneous statement has been filed; the Commissioner may proceed to determine the amount due to the County pursuant to VA. Code § 58.1-3903.

**G. Tax immediately due and payable upon cessation of business.**

Whenever any person required to collect and pay to the County a tax under this Article quits or otherwise disposes of the business, any tax payable under the provisions of this Article to the County becomes immediately due and payable, and such person must immediately make a report and pay the tax due.

**H. Powers and duties of Commissioner generally; rules and regulations.**

The Commission will ascertain the name of every person operating a Lodging Facility in the County liable for the collection of the tax levied by this Article. The Commissioner or Treasurer has the power to adopt rules and regulations not inconsistent with the provisions of this Article and the Code of Virginia for the purpose of carrying out and enforcing the

payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations will be on file and available for public examination in the Commissioner's office during regular office hours. Failure or refusal to comply with any rules and regulations promulgated under this Section is a violation of this Article.

**I. Penalty for violation of Article.**

Any person convicted of willful failure or refusal to file a tax return at the times required by this Article will be subject to criminal penalties. IF the tax lawfully assessed in connection with the return that was not filed \$1,000 or less, then such failure or refusal to file will be punishable as a Class 3 misdemeanor. If the tax lawfully assessed in connection with the return that was not filed is more than \$1,000, then such failure or refusal to file will be punishable as a Class 1 misdemeanor. In determining the penalty to be applied in the event that a person has not filed a tax return as required by this Article, the penalty will be based on the amount due to the County as determined by the Commissioner. Each such failure or refusal will constitute a separate offense. Such conviction will not relieve any such person from the payment, collection, or remittance of such tax, plus penalties and interests as provided in this Article.

**Except as modified herein, all provisions of Chapter 105, Taxation, remains in full force and effect. These modifications shall be in full force and effect from and after the passage hereof as provided by Virginia law.**

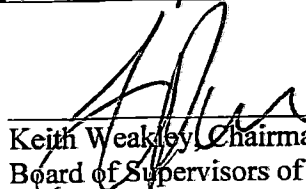
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Board of Supervisors of the County of Page, Virginia

Attest:

  
Amity Moler, County Administrator